

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>GREGORY TURLEY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 08-cv-377-MJR</b>
	)	
<b>DONALD A. HULICK, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**REAGAN, District Judge:**

The Court revoked Plaintiff's pauper status in this action, finding that he was barred by the three-strikes provision of 28 U.S.C. § 1915A (*see* Doc. 7). Instead of paying the \$350 filing fee as ordered, Plaintiff filed a notice of appeal (Doc. 8). That appeal is still before the Seventh Circuit, and two motions are pending in this action.

When Plaintiff filed his notice of appeal, this Court lost the power to issue any rulings on the *merits* of these motions. "The filing of a notice of appeal is an event of jurisdictional significance – it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *Wisconsin Mut. Ins. Co. v. United States*, 441 F.3d 502, 504 (7<sup>th</sup> Cir. 2006), *citing Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982). *Accord Kusay v. United States*, 62 F.3d 192, 193 (7<sup>th</sup> Cir. 1995). Stated more simply, the filing of the notice of appeal "shifts control over the issues on appeal to the appellate court," at which point the district court loses the power to alter the ruling taken up on appeal. *See Brenner v. C.F.T.C.*, 338 F.3d 713, 722 (7<sup>th</sup> Cir. 2003). This reduces the chance for conflict among

tribunals (different rulings from two courts handling the same issue at the same time) and prevents “the waste of time and money that occurs if the district court changes a judgment after an appeal....”

*Wisconsin Mut. Ins. Co.*, 441 F.3d at 504.

Accordingly, the Court **DENIES FOR LACK OF SUBJECT MATTER JURISDICTION** Plaintiff’s motion for expedited review (Doc. 5) and Plaintiff’s motion for leave to amend (Doc. 6). Once the appeal has been resolved, Plaintiff may refile these motions if he feels it necessary.

**IT IS SO ORDERED.**

**DATED this 23<sup>rd</sup> day of March, 2009.**

s/ Michael J. Reagan  
**MICHAEL J. REAGAN**  
**United States District Judge**